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8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA**

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11 ISAAC DURAN,	Case No. 1:21-cv-01290 JLT HBK (PC)
12 Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING THE
13 v.	ACTION WITH PREJUDICE, AND DIRECTING THE CLERK OF COURT TO
14 J. BURNS, et al.,	CLOSE THIS CASE
15 Defendants.	(Doc. 42)

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17   Isaac Duran filed this prisoner civil rights action under 42 U.S.C. § 1983. (Doc. 1.) After

18 Plaintiff passed away, Defendants filed a Notice of Suggestion of Death on the record pursuant to

19 Rule 25 of the Federal Rules of Civil Procedure and served Plaintiff's successors in interest.

20 (Doc. 33.) The magistrate judge found Defendants complied with the requirements of Rule 25,

21 and no party moved for substitution. (Doc. 42 at 1-2.) Therefore, the magistrate judge found

22 dismissal is required, and recommended the matter be dismissed with prejudice because any

23 future action would be barred by the applicable statute of limitations. (*Id.* at 2.)

24   The Court served the Findings and Recommendations on the parties and notified them that

25 any objections were due within fourteen days of service. (Doc. 42 at 3). The Court informed the

26 parties that the "failure to file objections within the specified time may result in the waiver of

27 certain rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir.

28 2014).) No objections were filed, and the time to do so has passed.

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According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations dated September 26, 2024 (Doc. 42), are **ADOPTED** in full.

2. The action is **DISMISSED** with prejudice.

3. The Clerk of Court shall terminate any pending motions and close this case.

IT IS SO ORDERED.

Dated: **October 16, 2024**

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UNITED STATES DISTRICT JUDGE